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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,615	03/06/2002	Marc Degady	WLCO 0165 PUS	1349

7590

03/24/2004

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EXAMINER

CORBIN, ARTHUR L

ART UNIT

PAPER NUMBER

1761

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

1 091,615

Applicant(s)

DEGADY ET AL

Examiner

ARTHUR L. GRBIN

Group Art Unit

1761

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 3-8-04
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1, 2, 13 is/are pending in the application.
- Of the above claim(s) 1 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 13 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 022001
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

1. Claim 1 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. submitted March 8, 2004.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's prior art admission (pages 5-8 of spec and Figures 1-3) in view of Singer et al.

Applicants' admission of prior art, Figures 1-3, illustrates a process for coating chewing gum cores wherein the cores are introduced into an inlet of a rotating drum. A coating material is applied on the cores inside the drum, and the coated cores are dried by injecting air into the drum. The prior art, however, fails to teach the continuous introduction and thus coating of the chewing gum cores through a rotating drum, which involves transporting the cores from the inlet to the outlet of the drum, the circulation of heated air inside the drum, and inclining the drum.

Singer et al, US Patent No. 5,100,683, teaches a method and apparatus for coating and drying a food product by advancing the food product through a notable drum to agitate and expose the product to a spray-on coating and at the same time circulating heated air. The drum is rotatable and permits the circulation of drying air

Art Unit: 1761

therethrough to yield a uniformly coated, dried product in a single operation. At least one spray station is located in the interior of the sidewall to direct a slurry containing the desired coating substance onto the product as it passes through the rotating drum. A plurality of separate, longitudinally spaced spray zones are defined within the drum, each zone including at least one spray nozzle for directing a spray or coating substance onto the food. The drum is divided into a plurality of separate drying and spraying zones corresponding to perforate and imperforate regions of the drum sidewall. The drum may be inclined to gradually cause the product to advance from an inlet to an outlet and then discharged. (See Figures 1-8; column 1, lines 7-14, and 50-end; and column 2, lines 1-46).

Therefore, because these two coating apparatuses were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the continuous coating apparatus taught by Singer et al for the batch coating apparatus of the prior art. One skilled in the art would appreciate the continuous coating and drying of the food product in a single operation wherein the product can be coated with different substances at different zones within the drum and then dried at the corresponding zones following the coating as the food product is tumbled along the length of the rotatable drum to yield a uniform dried coated product.


4. Applicant is requested to update the status of parent SN 09/374,935 on page 1 of the specification.

Art Unit: 1761

5. Any inquiry concerning this communication from the examiner should be directed to Arthur L. Corbin whose telephone number is (571) 272-1399. The examiner can generally be reached on Monday- Friday from 10:30 am to 8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application is assigned is (571) 273-1399.

A. Corbin/dh
March 22, 2004


ARTHUR L. CORBIN
PRIMARY EXAMINER
3-22-04